

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>FREE KICK MASTER, LLC.</b>	)	<b>CASE 1:15 cv 727</b>
9107 Wilshire Blvd. #450	)	
Beverly Hills, California 90210	)	<b>JUDGE DONALD NUGENT</b>
	)	
Plaintiff,	)	
	)	<b>MAGISTRATE JUDGE</b>
vs.	)	
	)	
<b>APPLE- (I-tunes)</b>	)	
APPLE	)	
c/o CT Corporation System	)	
1300 East 9 <sup>th</sup> St.	)	
Cleveland, Ohio 44114	)	
	)	
and	)	
	)	<b><u>AMENDED COMPLAINT</u></b>
<b>AMAZON</b>	)	<b><u>FOR INJUNCTIVE RELIEF</u></b>
Corporation Service Company	)	<b><u>AND MONEY DAMAGES</u></b>
300 Deschutes Way SW, Suite 304	)	
Seattle, Washington 98501	)	
	)	
and	)	
	)	
<b>GOOGLE</b>	)	
Google Mountain View	)	
c/o CSC Lawyers Incorporating Service	)	
50 W. Broad St. #1800	)	
Columbus, Ohio 43215,	)	
	)	
and	)	

)  
**SAMSUNG** )  
Samsung Electronics USA )  
c/o CSC Lawyers Incorporating Service )  
50 W. Broad St. #1800 )  
Columbus, Ohio 43215, )  
                        )  
Defendants.         )

**AMENDED COMPLAINT FOR INJUNCTIVE RELIEF AND MONEY DAMAGES**  
**(Jury Demand Endorsed Hereon)**

Plaintiff Free Kick Master, LLC, by Counsel and for its Complaint, alleges as follows:

**The Parties**

1. Plaintiff Free Kick Master LLC is a limited liability company formed and existing under the laws of the State of Nevada, with its principal places of business in the States of Nevada and California.
2. Upon information and belief, Defendant Apple (I-tunes) is a corporation formed and existing under the laws of the State of California with its principal place of business in the State of California at 1 Infinite Loop Cupertino, California 95104 , and with a State of Ohio statutory agent.
3. Upon information and belief, Defendant Amazon is a corporation formed and existing under the laws of the State of Delaware with its principal place of business in the State of Washington at 410 Terry Ave. North Seattle, Washington 98109, and with a State of Washington statutory agent..

4. Upon information and belief, Defendant Google is a corporation formed and existing under the laws of the State of Delaware, with its principal place of business in the State of California at 1600 Amphitheatre Parkway Mountain View, California 94043, and with a State of Ohio statutory agent.

5. Upon information and belief, Samsung (Samsung Electronics USA) is a corporation formed and existing under the laws of the State of Delaware with its principal place of business in the State of New Jersey at 105 Challenger Road Ridgefield Park, New Jersey 07660, and with a State of Ohio statutory agent.

6. Upon information and belief, all four Defendants conduct significant business in the computer and telecommunications industry in the State of Ohio and most, if not all, other states in the United States, as well as in many foreign countries..

**Jurisdiction and Venue**

7. This action arises under the trademark law of the United States, the Lanham Act 15 U.S.C. 1051, et seq., and under the statutory and common law of the State of Ohio.

8. Federal question jurisdiction is conferred pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1338(a), and 15 U.S.C. 1121 (a).

9. Subject matter jurisdiction over the claims brought under state statutory and common law is conferred pursuant to 28 U.S.C. 1338(b) and 28 U.S.C. 1367(a).

10. Venue in this court is based on 28 U.S.C. 1391(b) and (c).

**Factual Background**

11. On 1/19/2007 Registrant S. L. Serauxi filed for registration of the trademark FREE KICK MASTER. It was given application serial number 77087178.
12. On 10/30/2007 the FREE KICK MASTER mark was registered with registration number 3322947.
13. On 3/10/2008, Registrant S. L. Serauxi assigned his entire interest in the trademark to Plaintiff Free Kick Master Limited located in Suite 7 Hadfield House Library Street, Gibraltar.
14. On 10/11/2013 Free Kick Master Limited assigned its entire interest in the trademark to Plaintiff Free Kick Master, LLC, a Nevada Corporation.
15. Plaintiff Free Kick Master LLC is the current owner of the FREE KICK MASTER mark.
16. The FREE KICK MASTER trademark is registered in the European (EU) Office for Harmonization (#4644671).
17. The FREE KICK MASTER trademark was intended for use by Free Kick Master LLC in the production of television shows and sports movies, radio and television programs, namely sports program production, film production, organization of sports events, and organizing sporting events, including soccer football games. It is intended to extend to the production of computer games and applications..
18. A FREE KICK MASTER event was held on July 6, 2008 at Reliant Stadium in Houston, Texas.

19. A FREE KICK MASTER event had been planned in the Sunlife Stadium in Florida in 2013.

20. Defendant Apple (I-Tunes) has used the FREE KICK MASTER mark in its android applications on Google Play.

21. Defendant Amazon has used the FREE KICK MASTER mark in various downloads on its telephone products.

22. Defendant Google has used the FREE KICK MASTER mark in various downloads on its i-phones and other products.

23. Defendant Samsung has been involved in the sale and dissemination of electronic game applications for android phones and other products which applications use the FREE KICK MASTER mark..

24. Defendants Apple, Amazon, Google, and Samsung's, uses of the FREE KICK MASTER mark is without authorization or consent from the Plaintiff.

25. Defendants' use of the FREE KICK MASTER mark causes a likelihood of confusion, mistake or deception in the minds of the public.

26. Upon information and belief, all four Defendants are using the FREE KICK MASTER mark in countries other than the United States without authorization from Plaintiff..

**Count I -- Trademark Infringement**

27. Plaintiff incorporates as if fully rewritten herein the statements and allegations contained in the preceding paragraphs.

28. All four Defendants' use of the FREE KICK MASTER mark constitutes an infringement of Plaintiff's registered trademark and causes a likelihood of confusion mistake, and deception to the public, causing irreparable harm to the Plaintiff for which there is no adequate remedy at law.

29. Upon information and belief, Defendants' acts have been willful, deliberate, and intended to interfere with Plaintiff's use and intended use of the FREE KICK MASTER mark.

30. By reason of the foregoing acts, Defendants are all jointly and severally liable for trademark infringement under 15 U.S.C. 1114 and under the statutory and common law of the State of Ohio.

**Count II -- False Designation of Origin under the Lanham Act**

31. Plaintiff incorporates as if fully rewritten herein the statements and allegations contained in the preceding paragraphs.

32. This count arises under Section 43(a) of the Lanham Act 15 U.S.C. 1125(a).

33. All four of the Defendants' uses of the FREE KICK MASTER mark causes a likelihood of confusion, mistake, and deception among the public and others as to the

origin of the mark and as more fully described above.

34. The public and others are likely to believe that the Defendants' goods and services are provided by, sponsored by, approved by, licensed by, affiliated with, or in some other way legitimately connected with the Plaintiff, which has caused, and will cause damage and injury to the Plaintiff.

35. Defendants will continue to infringe upon the FREE KICK MASTER mark absent an injunction.

36. There is no adequate remedy at law and, consequently, an injunction protecting Plaintiff's rights is proper.

**Count III -- Deceptive Trade Practices Under Ohio Statutory and Common Law**

37. Plaintiff incorporates as if fully rewritten herein the statements and allegations contained in the preceding paragraphs.

38. Defendants' conduct, constitutes deceptive trade practices within the meaning of Ohio Revised Code Section 4165.01 et seq.

39. Plaintiff is entitled to preliminary and permanent injunctive relief ordering all four Defendants to cease this deceptive trade practice, as well as money damages, together with attorney fees pursuant to Ohio Revised Code Section 4165.03.

**Count IV – Unfair Competition, and Injury to Business Reputation,  
Under Ohio Common Law**

40. Plaintiff incorporates as if fully rewritten herein the statements and allegations contained in the preceding paragraphs.

41. Defendants' conduct as described above constitutes unfair competition and injury to Plaintiff's business reputation in violation of Plaintiff's rights under Ohio common law.

**Count V – Injunctive Relief**

42. Plaintiff incorporates as if fully rewritten herein the statements and allegations contained in the preceding paragraphs.

43. Plaintiff is entitled to preliminary and permanent injunctive relief enjoining the Defendants from infringing the FREE KICK MASTER mark.

44. Plaintiff is likely to succeed on its claims because there is a strong likelihood of confusion to customers and consumers.

45. If Defendants are not enjoined, Plaintiff will suffer irreparable harm, including loss of business opportunities, good will, and competitive advantage, for which there is no adequate remedy at law.

46. The potential injury to Defendants is minimal and does not outweigh the potential Injury to Plaintiff if the Defendants are not enjoined.

**WHEREFORE**, Plaintiff prays:

- a. That Defendants be found to have infringed on the Plaintiff's rights in the FREE KICK MASTER mark and be found liable on all of the enumerated causes of action in this Complaint;
- b. That Defendants and their agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Defendants and each of them be preliminarily and permanently enjoined from infringing on the FREE KICK MASTER mark, and unfairly competing with the Plaintiff in any other manner;
- c. That Defendants be required to cease use of the FREE KICK MASTER mark in all forms, including as a fictitious business name or trade name;
- d. That Defendants be require to deliver up and/or destroy all insignias bearing the FREE KICK MASTER mark or any other similar or confusingly similar thereto, in their possession as well as on all labels, literature, signage, advertisements, computer applications, and games, together with any means of producing the same;
- e. That Defendants be compelled to account to Plaintiff for any and all profits derived by them for their illegal acts complained of herein;
- f. That the Court declare this to be an exceptional case and award the Plaintiff its full costs and attorney fees pursuant to 15 U.S.C. 1117(a);

- g. That the Court grant Plaintiff any other remedies provided by Federal or State law, including appropriate money damages to be determined at trial.
- h. For such other relief that the Court deem proper and just.

**Jury Demand**

Plaintiff hereby demand and request trial by jury of all issues that are triable by jury.

Dated May 12, 2015.

Respectfully Submitted,

*/S/ Stanley Josselson*

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Stanley Josselson 0025685  
1276 West 3<sup>rd</sup> St. #411  
Cleveland, Ohio 44113  
216-696-8070  
Fax 216-696-3752  
Email: [josso@att.net](mailto:josso@att.net)  
Counsel for Plaintiff Free Kick Master LLC

**CERTIFICATE OF SERVICE**

A copy of this **Amended Complaint for Injunctive Relief and Money Damages** has been electronically filed on CMECF and thereby served on all Defendants (Google, Amazon, Samsung Electronics USA, and Apple (I-tunes)) on May 12, 2015. Defendant Samsung was served by Certified Mail on 5/12/2015. Counsel for Defendants Google, Amazon, and Apple were also served by email on 5/12/2015.

*/S/ Stanley Josselson*

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Stanley Josselson 0025685  
1276 West 3<sup>rd</sup> St. #411  
Cleveland, Ohio 44113  
216-696-8070  
Fax 216-696-3752  
Email: [josso@att.net](mailto:josso@att.net)  
Counsel for Plaintiff Free Kick Master LLC

## STATUS DOCUMENTS

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Mark: FREE-KICK MASTER

## FREE-KICK MASTER

US Serial Number: 77087178 Application Filing Date: Jan. 19, 2007  
 US Registration Number: 3322947 Registration Date: Oct. 30, 2007  
 Register: Principal  
 Mark Type: Service Mark  
 Amended to Principal: Yes Date Amended to Current: Feb. 19, 2007  
 Register:  
 Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
 Status Date: Nov. 16, 2013  
 Publication Date: Aug. 14, 2007

## Mark Information

Mark Literal Elements: FREE-KICK MASTER  
 Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
 Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Foreign Information

Foreign Registration 4644671 Foreign Registration Date: Sep. 25, 2006  
 Number:  
 Foreign EUROPEAN (EU) OFFICE FOR HARMONIZATION Foreign Expiration Date: Sep. 21, 2015  
 Application/Registration IN THE INTERNAL MARKET (OHIM)  
 Country:

## Goods and Services

Note:  
 The following symbols indicate that the registrant/owner has amended the goods/services:  
 • Brackets [...] indicate deleted goods/services;  
 • Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and  
 • Asterisks \*-\* identify additional (new) wording in the goods/services.  
 For: Production and distribution of television shows and sports movies; production of radio and television programs, namely sports programs production; television production; television show production; motion picture film production; organization of sports events in the field of football; organizing sporting events, namely football games, American football, soccer, hockey and rugby competitions  
 International Class(es): 041 - Primary Class U.S Class(es): 100, 101, 107  
 Class Status: ACTIVE  
 Basis: 44(e)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

### Current Owner(s) Information

Owner Name: FREE KICK MASTER, LLC

Owner Address: 7095 HOLLYWOOD BLVD.  
#1116  
HOLLYWOOD, CALIFORNIA 90028  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where NEVADA  
Organized:

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Daniel Lano

Docket Number: UPM 0502 US

Attorney Primary Email: [mail@iphorgan.net](mailto:mail@iphorgan.net)  
Address:

Attorney Email Authorized: Yes

#### Correspondent

Correspondent: Daniel Lano  
Name/Address: IpHorgan Ltd.  
1130 Lake Cook Road  
Suite 240  
Buffalo Grove, ILLINOIS 60089  
UNITED STATES

Fax: 847 808-7238

Phone: 847-808-5500  
Correspondent e-mail: [mail@iphorgan.net](mailto:mail@iphorgan.net)

Correspondent e-mail: Yes  
Authorized:

#### Domestic Representative

Domestic Representative: Arturo Perez-Guerrero

Phone: 787 722-3446

Name:

Fax: 787 725-3144

Domestic Representative e- [arturo@perezguerrero.com](mailto:arturo@perezguerrero.com)  
mail:

Domestic Representative e- Yes  
mail Authorized:

### Prosecution History

Date	Description	Proceeding Number
Nov. 16, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 16, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Oct. 30, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	73376
Nov. 16, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Oct. 30, 2013	TEAS SECTION 8 & 15 RECEIVED	
Oct. 23, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 12, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 30, 2007	REGISTERED-PRINCIPAL REGISTER	
Aug. 14, 2007	PUBLISHED FOR OPPOSITION	
Jul. 25, 2007	NOTICE OF PUBLICATION	
Jul. 11, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78287
Jul. 05, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 28, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 27, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 27, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 08, 2007	LETTER OF SUSPENSION E-MAILED	6332
May 08, 2007	SUSPENSION LETTER WRITTEN	62178
May 08, 2007	ASSIGNED TO EXAMINER	62178
Mar. 26, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	78287

Feb. 19, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	78287
Mar. 26, 2007	ASSIGNED TO LIE	78287
Feb. 19, 2007	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jan. 24, 2007	NEW APPLICATION ENTERED IN TRAM	

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

**TM Staff and Location Information****TM Staff Information - None****File Location**

Current Location: TMEG LAW OFFICE 106

Date in Location: Nov. 16, 2013

**Assignment Abstract Of Title Information****Summary**

Total Assignments: 2

Registrant: SERAUXI S.L.

Conveyance Filter

**Assignment 1 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Pages: 3

Reel/Frame: 3734/0852

Date Recorded: Mar. 10, 2008

Supporting Documents: assignment-tm-3734-0852.pdf

Execution Date: Feb. 16, 2008

**Assignor**Name: SERAUXI S.L.State or Country Where No Place Where Organized Found  
Organized:

Legal Entity Type: CORPORATION

**Assignee**Name: FREE-KICK MASTER LIMITEDState or Country Where GIBRALTAR  
Organized:

Legal Entity Type: CORPORATION

Address: SUITE 7, HADFIELD HOUSE  
LIBRARY STREET, GIBRALTAR**Correspondent**

Correspondent Name: PETER L. MICHAELSON

Correspondent Address: P.O. BOX 8489  
RED BANK, NJ 07701-8489**Domestic Representative**

Domestic Representative PETER L. MICHAELSON

Name:

Domestic Representative P.O. BOX 8489  
Address: RED BANK, NJ 07701-8489**Assignment 2 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Pages: 2

Reel/Frame: 5129/0960

Date Recorded: Oct. 11, 2013

Supporting Documents: assignment-tm-5129-0960.pdf**Assignor**Name: FREE-KICK MASTER LIMITED

Execution Date: Oct. 10, 2013

Legal Entity Type: CORPORATION

State or Country Where: GIBRALTAR  
Organized:

Assignee

Name: FREE KICK MASTER, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: NEVADA  
Organized:

Address: 7095 HOLLYWOOD BLVD.  
#1116  
HOLLYWOOD, CALIFORNIA 90028

Correspondent

Correspondent Name: DANIEL LANO

Correspondent Address: 1130 LAKE COOK ROAD  
SUITE 240  
BUFFALO GROVE, IL 60089

Domestic Representative - Not Found

Proceedings - None recorded